The Supreme Court puts a break on civil actions brought following an automobile accident

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On March 24, the Supreme Court of Canada handed down an eagerly awaited decision, namely in *Godbout* v. *Pagé*.[1]

In this case, the victims of two different automobile accidents were suing third parties for events that occurred following their respective accidents. For the first victim, it was the medical team under whose care she was taken. For the second, it was the Attorney General of Québec, due to the time it took Sûreté du Québec officers to find the crashed vehicle he was in. Both victims claimed that the defendants had committed a fault which had caused them an additional and separate injury over and above the injuries resulting from the automobile accident, thereby entitling them to additional or complementary compensation, above what was paid to them by the Société de l'assurance automobile du Québec ("SAAQ").

The issue was thus whether the Québec *Automobile Insurance Act* ("AIA") barred the civil actions of the victims. The Supreme Court, per Wagner J. and in a quasi-unanimous decision,[2] answered in the affirmative: the victims' actions against the third parties are not receivable. Here is the Court's reasoning.

The AIA applies in the event of bodily injury caused in an accident, namely any event in which damage is caused by an automobile. Following such an event, the compensation paid by the SAAQ "*stands in lieu of all rights and remedies by reason of bodily injury and no action in that respect shall be admitted before any court of justice*".[3]

The Court's decision reviews the ins and outs of the no-fault public automobile insurance plan and recalls that same must be given a large and liberal interpretation so that it may meet its objective. In other words, this plan was adopted to prevent victims of road accidents from having to go through the judicial system to obtain compensation for injury, whether caused in the accident or as a result of events subsequent to it:

> [...] provided that there is a plausible, logical and sufficiently close link between, on the one hand, the automobile accident and the subsequent events (in the context of these appeals, the fault of a third party) and, on the other hand, the resulting injury, the Act will cover the whole of the injury. Thus, the fact that the injury in question has an "aggravated" or "separate" aspect that can be attributed to events that occurred subsequently to the automobile accident is immaterial: those events will be deemed to be part of the accident, and therefore of the cause of the whole of the injury.[4]

In the case of both victims, the Court considers that the causal link required by the AIA exists, as

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their injury was “*suffered [...] in an accident*” within the meaning of this Act. The entirety of the compensation must therefore have the SAAQ as its sole source, regardless of the issue of fault by the third parties in question, whether the medical team or the Sûreté du Québec officers.

The Supreme Court points out however that the application of this plan remains a question of logic and fact related to the circumstances of each case.

Hence, it will be interesting to see whether, in years to come, a sufficiently distinctive situation will justify setting aside the prohibition against civil actions contained in the AIA.

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1. *Godbout* v. *Pagé*, 2017 SCC 18.
2. Suzanne Côté J. is alone in dissent.
3. Section 83.57 of the AIA.
4. Paragraph 49 of the decision.

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